

TODD KIM
Assistant Attorney General

CHRISTOPHER C. HAIR (PA Bar No. 306656)
AMANDA K. RUDAT (ME Bar No. 010329)
Trial Attorneys
Natural Resources Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 305-0420 (Hair)
(202) 305-0575 (Rudat)
christopher.hair@usdoj.gov
amanda.rudat@usdoj.gov

Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

The BURNING MAN PROJECT, FRIENDS
OF BLACK ROCK/HIGH ROCK, INC.,
FRIENDS OF NEVADA WILDERNESS,
SUMMIT LAKE PAIUTE TRIBE OF
NEVADA, GERLACH PRESERVATION
SOCIETY, and DAVID JAMIESON, ANDY
MOORE, WILL ROGER PETERSON,
NANCI PETERSON, JASON WALTERS,
DAVE COOPER, MARGIE REYNOLDS,
and STACEY BLACK, as individuals,

Plaintiffs,

v.

The UNITED STATES DEPARTMENT OF
THE INTERIOR, BUREAU OF LAND
MANAGEMENT, BLACK ROCK FIELD
OFFICE, and DEBRA HAALAND in her
official capacity as Secretary of the Interior,

Defendants.

Case No. 3:23-cv-00013-LRH-CSD

JOINT STATUS REPORT

Plaintiffs challenge the U.S. Bureau of Land Management's ("BLM") decision to approve the Gerlach Geothermal Exploration Project ("Exploration Project") on federal land in Washoe County, Nevada. BLM's Decision Record approved, with modifications, the Operations

1 Plan for the Exploration Project submitted by ORNI 26, LLC, a subsidiary of Ormat Nevada,
2 Inc. (collectively, “Ormat”). In addition to needing BLM’s approval, local law requires that
3 Ormat obtain approval from Washoe County. As the Court noted in its May 31st Order, on April
4 11, 2023, the Washoe County Board of County Commissioners voted to rescind the permit that
5 the Washoe County Board of Adjustment had granted for the Exploration Project. The Washoe
6 County Board of County Commissioners issued a written order confirming the recission on April
7 14, 2023.

8 While Ormat cannot commence the Exploration Project’s geothermal exploration wells
9 until it has a necessary county permit, the recission of the county permit does not render this case
10 moot. Defendants’ position is that the County’s recission of its permit does not affect BLM’s
11 Decision Record or require BLM to take any action in response. Counsel for Ormat has
12 informed Defendants that Ormat is working to resolve the issue with its county permit and
13 intends to continue to pursue the Exploration Project. Should Ormat regain necessary local
14 approval, BLM’s approval remains unaffected and would allow the Exploration Project to move
15 forward under the conditions imposed by the Decision Record.

16 The parties agree that this action is not moot under the current circumstances, though
17 Defendants reserve the right to make a mootness argument if factual circumstances change, and
18 Plaintiffs reserve the right to argue the significance of the recission and/or lack of local approvals
19 relating to the Exploration Project. BLM is compiling the administrative record and will produce
20 it to all parties by September 15, 2023. As stated in the parties’ Joint Case Management Report
21 and Proposed Briefing Plan, ECF No. 40, no discovery is anticipated in this case. The case will
22 be resolved on cross-motions for summary judgment in accordance with the schedule set by the
23 Court’s June 5th Order.

24
25 Respectfully submitted this 30th day of June, 2023.

26
27 TODD KIM
Assistant Attorney General

/s/ Amanda K. Rudat

AMANDA K. RUDAT
CHRISTOPHER C. HAIR
Trial Attorneys
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 305-0575 (Rudat)
(202) 305-0420 (Hair)
amanda.rudat@usdoj.gov
christopher.hair@usdoj.gov

Attorneys for Federal Defendants

HOLLAND & KNIGHT LLP

/s/ Rafe Petersen

Rafe Petersen (D.C. Bar #465542) (pro hac
vice)
Alexandra E. Ward (D.C. Bar #1687003)
(pro hac vice)
800 17th Street N.W., Suite 1100
Washington, DC 20006

KEMP JONES, LLP

Christopher Mixson, Esq. (NV Bar #10685)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I electronically filed the foregoing using the CM/ECF system, which will automatically send email notification to the attorneys of record.

/s/ Amanda K. Rudat
AMANDA K. RUDAT